

to make about dropping the bomb on Hiroshima? Yet history records that a million or more lives were saved, devastating as the dropping of that bomb was.

These are dread decisions which great powers must make. They must make them with morality, and with a willingness to walk the extra 10 miles—to paraphrase President Eisenhower—and consider every avenue that means an “out,” even if we have to swallow a little pride, in dedicating ourselves to using every means of diplomacy and persuasion on the people of the world, while they have yet time to exercise a choice.

I hope the joint resolution will be administered in that spirit by the President and by the Foreign Relations Committee, which also bears a heavy responsibility as the trustee of all of us here.

It is under those conditions that I shall, with deep knowledge and notice of what I am doing, cast my vote for the joint resolution.

Mr. LAUSCHE. Mr. President, I wish to make some comments with respect to what was said by the Senator from New York dealing with what we obligate ourselves to do by this resolution. Earlier today the Senator from New York made some inquiries on this subject. Other inquiries have been made by other Senators.

Under the first section of the resolution, we commit ourselves and authorize the Commander in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

In other words, under the first section, we contemplate that our Government shall repel any armed attack against the forces of the United States and will take such action as is necessary to prevent further aggression.

Section 2 has been rather widely discussed this afternoon. I wish at this time to call attention to certain articles of that section. It deals solely with the Southeast Asia Collective Defense Treaty, SEATO. It empowers the President to determine, limited by the authority of SEATO, what action we shall take in protecting the rights of the members of SEATO. Our obligations under SEATO are divided into two parts.

Part I, in substance, declares that the Government of the United States will join in the protection of its fellow members against any aggression. I wish to emphasize that under the first part of article IV of the SEATO Treaty our Government is only obligated to lend its military forces in instances in which our allies are attacked and such attack endangers the security of our country. I wish to read the first part of article IV, which is applicable to the statements which I have thus far made:

Each party—

That means each party that has subscribed to the SEATO Treaty—recognizes that aggression—

I emphasize the word “aggression”—by means of armed attack in the treaty area against any of the parties or against any State or Territory which the parties by unanimous agreement may hereinafter des-

ignate, would endanger its own peace and safety, and agrees that it will in that event—

The question is, What event? The answer is in the event of attack and that in addition thereto it endangers the security of the United States of America, our country will—

act to meet the common danger in conformity with its constitutional processes.

Under article IV of SEATO we are obligated only to give military help to our allied members of SEATO when they are attacked from without. We are not obligated to give them help if they attack nations which are not members of SEATO.

The first half of article IV makes it abundantly clear that under the SEATO Treaty our Government is not obligated to come to the aid of any country unless that country, a member of SEATO, has been attacked by an enemy and that attack endangers our security. Probably I ought to add that the treaty makes it conditional that the countries which attack, and upon which we are allowed to impose our military strength, are Communist countries.

Now we come to the second half of article IV of the SEATO Treaty. The second half deals with no attack upon members. It deals with conduct that does not constitute an attack but which endangers the security of the member countries.

I read the provisions of the second half of article IV:

If, in the opinion of any of the parties, the inviolability or the integrity of the territory or sovereignty or political independence of any party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this article from time to time apply, is threatened—

I wish to repeat that—

is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the parties shall consult immediately in order to agree on measures which should be taken for the common defense.

The second half of this article, dealing with our obligations, provides, in effect, that if one of our allies is not attacked but is subjected to threats and conduct that endanger the security of the country and ourselves, we do not have the obligation to impose our Armed Forces in order to secure a settlement of that threat.

In the second instance, our obligation is only to sit down with the members and consult. We say to the members in that consultation: “None of us has been attacked. Therefore, there is no obligation to impose our arms according to our constitutional processes.” In effect, it is further stated that, though we have not been attacked, the practices and the activities to which we have been subjected are a danger to the security of the individual and the composite countries.

In the second half of the section, the members are obligated to consult and determine what the course shall be.

Now I get down to what I term to be the significant aspect of section 2 of the

resolution. To the President, Congress assigns the rights that are vested in Congress itself. In the event there is an attack upon an allied country, the United States is obligated to come to its aid against that attack (provided such an attack in the opinion of the United States endangers the security of the United States). In the event there is no attack, we have no obligation whatsoever, except the obligation to consult. I have discussed this aspect of the problem, because today a number of Senators asked questions implying that it was their belief that if South Vietnam attacked North Vietnam, under the SEATO treaty we were obligated to give South Vietnam help. That is not true. We are not obligated at all. We are obligated only when an attack has been made by North Vietnam on South Vietnam. That attack must be in an offensive and, of course, belligerent nature.

I ask unanimous consent that articles IV and the second part of article XI be made a part of the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

#### ARTICLE IV

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

#### UNDERSTANDING OF THE UNITED STATES OF AMERICA

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

Mr. LAUSCHE. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, there is no reluctance and no reservation in my support for the pending resolution. The President of the United States has acted with firmness and wisdom. The course of action followed—and apparently decreed for the immediate future as well—has the merit also of embracing directness and objectivity without involving the danger of unlimited hostile activity. There should be maximum unity within the Government on this issue—and this degree of unity is as incumbent on the Congress as on the executive branch.

I believe the President was right in requesting that there be an emphasis in the resolution—indeed, an expressed determination that “all necessary measures” be taken. In effect, congressional authority for future military action in southeast Asia would be delegated to the President—and properly so—by this resolution.

Columnist David Lawrence calls attention today to U.S. Ambassador Adlai Stevenson's speech in the United Nations Security Council yesterday in which he said the attacks on the U.S. Navy vessels in international waters of the Tonkin Gulf were “part of a larger pattern with a larger purpose.”

And, as the New York Times this morning declared editorially:

“The lines have hardened. A highly dangerous period has opened. It is a time that calls for coolness as well as determination, for restraint as well as firmness.”

Although we can suspect, as Ambassador Stevenson indicated, that the attacks were part of a larger pattern with a larger purpose, I agree with the Times' further editorial comment.

“We still have no real idea of what prompted the North Vietnamese to launch their potentially suicidal adventure. The Nation's united confidence in its Chief Executive is vital. No one else can play the hand. That confidence will be best maintained by a continued adherence to the principles the President himself has enunciated of firmness, but a firmness that will always be measured—a firmness whose mission is peace.”

Mr. THURMOND. Mr. President, I rise in support of the resolution which is the pending business before this body.

It is not the United States of America which is the aggressor in southeast Asia. The Communist aggressors launched the attack on U.S. Navy forces in the Bay of Tonkin, and they are the aggressors in Laos and in Vietnam. The United States had no alternative but to retaliate against the unwarranted and unprovoked attack by North Vietnamese on U.S. destroyers.

It is fitting that the Congress express its approval and its support of the determination of the President to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Mr. President, the approval and support which the Congress now expresses for the President to take necessary

measures to repel any armed attack against the forces of the United States is not new. This authority the President now has, and, indeed, he has been exercising this authority as well as the authority to assist our southeast Asian allies to repel armed attacks against their nations and their armed forces.

The resolution which we are considering today does approve a new element which has not, prior to this week, been exercised, and that is the taking of all necessary measures to prevent further aggression. I sincerely hope that the President will take all necessary measures to prevent further aggression, not only against our own military forces, but also to prevent further aggression against our southeast Asian allies. If he does so, it will mean that we are at last abandoning our purely defensive posture in favor of a “win policy” in the war which the Communist aggressors have initiated and are continuing.

It is imperative that victory, not stalemate, be our objective in dealing with Communist aggression in southeast Asia.

Mr. HUMPHREY. Mr. President, I wish to state my support of the joint resolution before the Senate, Senate Joint Resolution 189. I know that this matter is of serious consequence, but I also know that the precedent of a joint resolution to promote the maintenance of international peace and security is well established. I well recall, as I am sure other Senators have in the debate, that in the instance of the Formosa crisis, and in the instance of the Middle East crisis, Congress joined the President in a statement of national security policy relating to our national security interests in those areas. The joint resolution before us follows very much the same guidelines and the same form as the other resolutions to which I have referred.

It is my view that the President has the authority under the Constitution to order the Armed Forces of the United States to protect the vital interests of this country whenever those interests are threatened. In other words, the President was acting fully within his authority when orders were given to the destroyer *Maddox* to repel the PT boat attack from the North Vietnamese.

The President, as Commander in Chief, not only has the authority under the Constitution to use the Armed Forces of the United States for the protection of our freedom and security; he has the duty to do so. In the day and age in which we are living, attacks upon our country often come swiftly. They frequently come at a time and a place in which only a swift response will achieve the purpose of the action. Delayed response would be of no avail.

We live at a time when communications make it possible for an enemy to strike serious blows at our country and to adversely affect our vital interests, and to do it so rapidly and so decisively that unless we can respond quickly, we shall suffer defeat before we even have an opportunity to evaluate what has happened.

So I believe that President Lyndon B. Johnson, in ordering our aircraft to destroy certain facilities of the North Viet-

namese regime, facilities which have been used to harass American shipping and to attack units of the American fleet, did what he should have done. He is to be commended for having done it, and is to be respected for the manner in which he took this decision action.

The joint resolution now before the Senate, in the “whereas” clauses, states the facts. It reads:

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military, or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

All those statements in the “whereas” clauses are facts—known facts of foreign policy and known facts of international life.

This Nation has an obligation to fulfill its treaty responsibilities. This Nation, as a leader of peoples in the free world and of free nations in the world, has the responsibility of assuming the heavy burdens of leadership, which at times includes the defense of helpless people, the defense of defenseless people.

Therefore, Mr. President, (Mr. BREWSTER in the chair), the joint resolution before the Senate makes note of the fact “that the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.”

I do not believe that anyone would disagree that such measures are necessary.

Surely, we cannot permit an unprovoked attack upon the forces of the United States without response. Surely, the Congress would not condone a pattern of international conduct that would deny the fleet of the United States the use of international waters. It is a part of our national history and our national heritage to support freedom of the seas—from the time of George Washington, through the administration of Thomas Jefferson and the incidents with the Barbary pirates, up to this very hour. As a great maritime power, we must insist upon a strict application of international law, insofar as the high seas and international waters are concerned.

Therefore, the attack which was made upon our vessels had to be repulsed; and in repulsing that attack it was essential that the particular facilities in the haven from whence the attack took place should be destroyed.

The second section of the resolution recites once again what has been the

policy of this Nation since 1954, insofar as southeast Asia is concerned.

It states very directly and simply for all to understand:

The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia.

We are signatories to the SEATO treaty. The South Vietnamese Government—the government of a free country—has asked for our assistance. We have a mutual assistance pact with them. We have given assurances, since the days of the Eisenhower administration, through the Kennedy administration, and now into the Johnson administration, that the obligations of the mutual assistance agreement will be fulfilled.

It is my view that the minute we back away from commitments we have made in the defense of freedom, where the Communist powers are guilty of outright subversion and aggression, on that day the strength, the freedom and the honor of the United States starts to be eroded.

I remember a Senator once saying in this Chamber that he doubted very much whether the Communist nations intended to blow the world to pieces; that he thought possibly they intended to pick it up piece by piece.

The more I think of that expression, the more truth there seems to be in it.

The aggressor seeks to bite off piece by piece the areas of freedom. They seek to do it through terror, subversion, and persistent aggression.

We have seen this happen in our own hemisphere. We have watched, for example, how the Castro Communist regime in Cuba used every conceivable means to destroy the free government of Venezuela through subversion, terrorism, assassination, propaganda—every conceivable method, military, economic, and political.

I am of the opinion that what is going on in southeast Asia is a persistent attack on the part of the Communist forces to nibble away at certain areas in southeast Asia which we can call free and independent, to take them one by one—this would include Laos, Cambodia, Vietnam, in the southeast Asia peninsula.

Let us not forget for a single moment that only a few months ago an international agreement was arrived at in reference to the country of Laos, and a man by the name of Souvanna Phouma, who was a neutralist, was elected as the Premier. I can recall when Souvanna Phouma was looked upon as less than desirable to the Government of the United States. But he is the Premier of Laos, and he is attempting to keep the obligations and to fulfill the commitments of the international agreement. All the forces in that little country were supposed to have come together and were supposed to follow the commitments and the terms of the agreement—the rightist forces, the neutralist forces, and the Pathet Lao.

What has happened?

The Pathet Lao, the Communist forces, have waged a relentless attack upon the established regime. Were it not for the Government of the United

States resisting, were it not for the Government of the United States attempting to maintain the strength of the established regime and government of Souvanna Phouma, Laos today would be only another Communist-bloc country.

I do not believe that we show any love of peace by letting the Communists take the world over piece by piece. We show no love of peace by permitting unprovoked and unadulterated aggression to take place against friendly and peace-loving nations, or against the Armed Forces of the United States.

What this joint resolution does is to place the elected representatives of the American people in Congress assembled on record as supporting the actions of the Commander in Chief in defense of American sovereignty, in defense of American Armed Forces, and in fulfillment of our treaty obligations and commitments.

A great power must be an honorable power. A great nation must be willing at times to make great and difficult decisions. I would be the last to say that this decision did not have within it the possibilities of even greater troubles ahead. But I do not believe that we can duck these troubles. I do not believe that we can avoid them by pretending they are not there.

I do not believe, if the fleet had been withdrawn from Tonkin Bay area where it was attacked, that it would have made the Chinese any more peaceful, or the North Vietnamese any more considerate of the legitimate rights of the people of South Vietnam. On the contrary, I believe that were we to have withdrawn, or had we pretended it was nothing more than a little incident, all it would have done would have been to feed the beast of aggression. North Vietnam, in concert with the Communist Chinese regime, would have continued to build up its airfields, its depots, its supply lines, and its bases.

So we did what we had to do.

Mr. CHURCH. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CHURCH. Would not the Senator agree with me that there is a proper time to question the merits of a national policy, whether it be in southeast Asia or anywhere else in the world? One of the functions of the Senate is to keep our foreign policy under continuing surveillance.

There is a time to question the route of the flag, and there is a time to rally around it, lest it be routed. This is the time for the latter course, and in our pursuit of it, a time for all of us to unify.

Mr. HUMPHREY. Mr. President, the Senator from Idaho, in his usual and brilliant manner, has stated the case precisely and succinctly. There is not only a time, but there is an obligation on the part of Members of this body to question policy, to express concern if we have a doubt, or to express approval. That is what the Senate of the United States is for. That is why we have the committee structure. That is why we have committee hearings and testimony. There is a time when we can get up and

say that the policy ought to go in another direction, and suggest alternatives. And Senators have done so.

But there comes a time when the aggressor may feel that because of our discussions, we are disunited, and he then could launch an attack.

The power that we have today is to be used for the cause of peace and justice. The power that the American people have in their great military establishment is to help other people as well as ourselves in their pursuit of freedom and in their pursuit of national independence and national dignity.

I believe that we are using it for this purpose. I commend the President of the United States, not only the present President, but the others—the late beloved President Kennedy, and former President General Eisenhower—not only because they were at times willing to use the power, but also because they had the moral character to restrain the use of power that was in their hands when that restraint was necessary.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CARLSON. Mr. President, the Senator from Idaho [Mr. Church] has just made a statement. I think I would be less than frank if I did not state, as a member of the Committee on Foreign Relations, that I had several times questioned the policy of this country in southeast Asia.

It seems to me that that time has passed. It seems to me that the President has a responsibility, and that Congress has the duty to insist that our Nation's rights of protection on the high seas be observed, that none of our vessels are fired on, and, that we defend ourselves by retaliatory action.

It seems to me that in dealing with international problems, we must show firmness. We must show strength. For that reason, I support the President's decision in this matter. I shall vote for the resolution.

I had hoped that there would have been some way that we could have arrived at an arrangement in southeast Asia without continually seeming to be escalating the war.

I have watched the progression of this situation for about 10 years. I know that every other member of the Committee on Foreign Relations has, too. It has concerned me greatly. It seems that we take step after step that involves us in a situation from which it is most difficult to extricate ourselves, even by conferences in the United Nations, or meetings in any other area of the country that we might select.

I associate myself with the remarks of the Senator from Idaho. We have reached a place where we have not only to support the President, because he has the responsibility, but we have a duty and a privilege today, and we should exercise it.

Mr. HUMPHREY. Mr. President, I thank the Senator from Kansas. Lest I be misunderstood, I, too, on occasion have expressed concern over certain aspects of our policy in southeast Asia. I have tried to make at times what I

thought were constructive suggestions to modify, to complement, or strengthen that policy.

I believe that this must be done. Our objective must be made crystal clear. Our Government is not attempting to accelerate a conflict. Our objective is to achieve stability in the area so that we can then go to the conference table. But we ought to make it clear to the world that we do not intend to sit at the conference table with a Communist gun at our heads.

We do not intend to sit at the conference table while the Communist forces continue acts of aggression against ourselves or against our allies. The Communists must learn sometime that the United States of America and other nations associated with it are not going to be blackmailed by Communist subversion, Communist aggression, and Communist power tactics. They must learn that we are perfectly willing to assume the role at the conference table of negotiation and diplomacy, but only under circumstances in which there is a respect for law and order, and in which there is a respect for national sovereignty.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. I think we can all subscribe to the views expressed by the Senator from Idaho [Mr. CHURCH] as affirmed by the Senator from Kansas [Mr. CARLSON]. Of course, we are not supposed merely to take things without questioning. The thought occurred to me that down in the Foreign Relations Committee, where we meet so often, we exercise the power of questioning. When we have briefings and conferences, the individual members of the committee express themselves and ask questions. Most of the time we gain a pretty fair understanding among ourselves and the representatives of the State Department, the executive department, and the military who come before us. I do not know of any problem that has been considered more frequently and more vigorously than the problem of southeast Asia, not merely Vietnam, but also Laos, Cambodia, Thailand, and the entire area of southeast Asia, but particularly the Indochina states.

It has not been one that we merely accepted. Some of the thoughts that have been exchanged in the Foreign Relations Committee have been helpful to the State Department and the Defense Department in trying to meet the problems. I fully agree with the Senator from Kansas that this is a responsibility of the President. When President Eisenhower proposed, in 1953, the Formosa Straits resolution, I spoke on the floor of the Senate regarding that resolution. At that time I said that the resolution was not necessary, that the President had full power and authority to pronounce this policy and to carry it out. I related it back to the Truman doctrine in the Greece-Turkey situation in 1947. The Senator will remember that President Truman came before Congress and said, "This is what I have

done. This is the program. I wish you to appropriate the money to carry it out."

I have always felt that the President had such power. However, I supported President Eisenhower's resolution on the Formosa Straits issue, and I supported the resolution on the issue involving the Near East, because the President made it clear, as is made clear at the present time, that what he wanted was a show of unification on the part of the country. Such an expression is provided in the joint resolution before the Senate. It is inherent in it, and it certainly has been in the expressions of the President.

There is one provision in the joint resolution which particularly pleases me, and it follows up closely the resolution relating to the Formosa Straits, the Near East resolution proposed by President Eisenhower, and the Cuban resolution proposed by President Kennedy. It recognizes the power of the President to do these things in defense of our country on the high seas. But it calls for support from the Congress and from the people of the United States. For that reason I believe it is a good resolution, and I think it fully complies with the requirements that all of us would expect.

Mr. HUMPHREY. I say to the Senator from Alabama that the analysis of the joint resolution and the work of the Foreign Relations Committee, not only at times in the offering of such resolutions or in passing upon them, is exactly my understanding of the constitutional powers of the President and the reason for this type of joint resolution. The President does have the power. The joint resolution in no way would weaken his constitutional prerogatives or powers, but it would place behind the President, as a demonstration to the American people, and to the world the fact that the Congress of the United States, representing the people of the United States, supports the action that has been taken. Indeed it not only supports it but, is strongly behind it.

I think that is very important. I call to the attention of the Senate the fact that the Communists have a way throughout history of engaging in aggressive attacks during our election years.

They have some sort of feeling that possibly the country is disunited. One of the most revealing experiences each time is how, regardless of party preference or individual views, the American Congress and the people of our country unite. That has been true in the present instance. The President of the United States consulted and spoke with members of both parties who were called to the White House. Officials of the Government have been to the Congress. The President of the United States was in contact with the standard bearer of the Republican Party. All united in support of the action that was taken and the joint resolution.

Mr. SPARKMAN. It is a mobilization of the strength of democracy.

Mr. HUMPHREY. Mr. President, I should like to yield to the Senator from Montana.

ORDER FOR ADJOURNMENT UNTIL  
10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet at 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTH- EAST ASIA

The Senate resumed the consideration of the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia.

#### ORDER FOR LIMITATION OF DEBATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 3 hours on the pending joint resolution, 2 hours to be given to the Senator from Oregon [Mr. MORSE], and 1 hour to be divided between the majority leader and the minority leader, and that a vote on the joint resolution occur at 1 o'clock tomorrow afternoon.

I ask unanimous consent that the provisions of rule XII, clause 3, requiring a quorum call, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

#### UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective at 10 a.m. on Friday, August 7, 1964, debate on the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia shall be limited to 3 hours, of which 2 hours shall be allocated to the Senator from Oregon [Mr. MORSE], and 1 hour to the majority and minority leaders, and that a vote on the passage of the said joint resolution shall be taken at the hour of 1 p.m. on said day, August 7, 1964.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Alaska.

Mr. BARTLETT. I have had deep doubts about the wisdom of our policy in Indochina, with particular reference to Vietnam. I have expressed those doubts many times on the floor of the Senate and elsewhere.

I have feared that there might be an escalation of the war, but I never dreamed that its possibility would come from such causes as have been noted during the past several days.

Mr. President, it has seemed to me that the basic need—that of inspiring the people of South Vietnam to fight for their freedom, to bring into being a government of stability, a government that would be free of Communist influence—has been too often lacking, despite the massive help that we have given in that far-off land.

The distance between the United States and southeast Asia has been one of the basic difficulties we have encountered. It has been said repeatedly that that part of the world is vital to our national security. There can be doubt on



that point. I have never felt, since the proposal was advanced by President de Gaulle, that the war in southeast Asia should be negotiated was worthy of derision from us or from anyone else. I thought that the proposal should be considered carefully. I believed that, and I have had no reason to change that view, that in the long run the only satisfactory one of concluding what is a desperate situation, not only for the South Vietnamese, but also for us could be arrived at around the conference table. But it has been apparent from the start—so far as I was concerned at least—that we should not go to the negotiating table from a stance of weakness. We must, first, set up a system there through military strength, through desire on the part of the South Vietnamese themselves, where negotiations might be conducted on a basis of equality.

But whatever my views or the views of others on this sorry situation may have been, the fact remains that they now must be considered in the light of what has happened this week. For me there will be no difficulty in voting for the joint resolution which is now being considered by the Senate. All Americans must unite behind their President and behind their Government in the hope, as the President has so frequently expressed during the past few days, that there will be no further developments in the war, that the strikes which we have made, after acts of aggression have been committed against us, will constitute a sufficient warning, and that even now, in this hour of crisis, the dangers will be resolved, and that at a date not too far distant, peace may be restored to those unhappy lands.

Meanwhile, it is my intention to vote tomorrow for the joint resolution.

For me, there is no alternative.

I wish we had never committed ourselves to the course of action upon which we embarked several years ago. But we did. And now we have been attacked. Our honor, our integrity, our vital interests are assuredly now at issue. We can do but one thing as I see it—united behind the President.

Mr. HUMPHREY. Mr. President, I thank the Senator from Alaska for his comments. I conclude by saying that the Senator from Minnesota will vote for the joint resolution.

I invite the attention of our countrymen to the fact that the desire of the Government is for peace with justice; the desire of the Government is for the cessation of hostilities in any part of the world; the desire of the Government is not to extend or to expand the struggle or the war in southeast Asia; the desire of the Government is to have nations live by their commitments, their treaty obligations, and to respect the sovereignty and independence of the nations in that area. This Government has as its objective the fulfillment of its treaty obligations; and our action in southeast Asia is directed toward that purpose.

I commend the President and hope that the joint resolution will be overwhelmingly supported.

Mr. BYRD of West Virginia. Mr. President, I rise to support the joint resolution

to promote the maintenance of international peace and security in southeast Asia. The deliberate and unprovoked military attacks by the North Vietnamese upon our naval vessels created a situation in which the President was forced to take immediate and firm action. The action was taken, and all Americans can be proud of the firmness which our military forces have displayed. It has been a firmness, without giving the appearance of being tough, and I feel that the exercise of restraint, in the use of the overwhelming power which we possess in the area immediately affected, has created a very favorable impression throughout the free world.

While the initial incident appeared at first at be an isolated event, subsequent aggressive action by the North Vietnamese indicated that the attacks were planned and carried out for purposes concerning which we are not fully aware even at this moment. For the United States to have vacillated or hesitated would have encouraged further acts of aggression, and, in my judgment, we had only one course to pursue in the upholding of our country's honor and in the protection of its immediate and long-term security. That course was taken. We should be under no illusions as to the grave consequences which may follow in the train of events which have recently transpired. We may be confronted with an escalating Vietnamese war, and the danger of deeper U.S. involvement must be faced up to. We know not what lies ahead. We do not know what the next Red move may be, but we can hope that the resoluteness and determination which have already been displayed by our Commander in Chief and our military forces will duly impress the North Vietnamese and Red China and indeed the Soviet Union, and that the Communist regimes in those countries will not dare to discount the danger to world peace involved in further provocative behavior.

The people of America share with other freedom-loving nations the fervent hope that reason will prevail and that peace can be restored in the Far East. Nonetheless, the unity and determination of the American people, through their representatives in Congress, should be manifested in terms which are certain and clear. It is imperative that the resolution be adopted unanimously and with promptitude. As a member of the Senate Committee on Armed Services, I voted this morning to favorably report the resolution, and I am now ready to support its adoption by the Senate. Our country is not interested in the plunder of aggrandizement, but our country is bound to resist every peril to our security and the security of the free world. Action, not words, should be the order of the day.

Mr. MORSE. Mr. President, as the record of the Senate already shows, the majority leader and I had a conference a few moments ago, in which a unanimous-consent agreement was reached that the Senate would resume tomorrow morning at 10 o'clock, that we would vote at 1 o'clock tomorrow afternoon, that the senior Senator from Oregon

would be allowed 2 hours of that time, and that the other hour would be divided equally between the majority and minority leaders.

I shall make my major rebuttal speech at that time, but for just a few moments tonight there are certain facts I want to put into the RECORD, so that they will be in the RECORD tomorrow.

Yesterday I made a major speech in opposition to the pending resolution. I now incorporate that speech by reference and stand on every word I uttered.

In that speech I said the United States was a provocateur, along with South Vietnam, North Vietnam, Red China, and the Pathet Lao in Laos, and possibly on some occasions Cambodia, and that the United States must assume and be charged with its share of responsibility for a series of provocations that have led to the crisis which now exists in southeast Asia.

I repeat it tonight. I am satisfied that there is no question about it.

Mr. President, we have stood in violation of the United Nations Charter for years in South Vietnam. Even the neutral commission composed of representatives from India, Canada, and Poland found North Vietnam and South Vietnam in violation of the articles of the Geneva accords. The South Vietnam violation was due to the military operations of the United States in South Vietnam. That is our provocation.

As will be seen before I finish these brief remarks tonight, we have not reported our military buildup in South Vietnam to the United Nations under article 51, which is a clear treaty obligation of the United States. We have never done it, Mr. President.

So the senior Senator from Oregon does not modify in one iota his charge that contrary to its treaty obligations, the United States has been a provocateur in southeast Asia along with South Vietnam, North Vietnam, Red China, the Pathet Lao in Laos, and possibly Cambodia.

No one can possibly justify the attack on American ships in Tonkin Bay off North Vietnam. The senior Senator from Oregon, from the very beginning, has been highly critical of it and has condemned it.

As in domestic criminal law, crimes are committed, but they are sometimes committed under provocation. The provocation is taken into account by a wise judge in imposing sentence.

Some provocative factors were involved, which I mentioned yesterday, but I want to mention them again tonight for the RECORD. On Friday July 31, South Vietnamese naval vessels—not junks but armed vessels of the PT boat type made available to South Vietnam by way of our aid program—had bombed two North Vietnamese islands. One island is approximately 3 miles and one approximately 5 miles from the main coast of North Vietnam.

As I made clear this morning in the committee meeting, the United States did not act in a vacuum with respect to that bombing. The United States knew that the bombing was going to take place. The United States has been in close ad-

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visory relationship with the military dictatorship we have been supporting as a military protectorate in South Vietnam for quite some time. We knew for quite some time that the dictator of South Vietnam has wanted to go north. We know that recently there was a big demonstration in Saigon, staged pretty much by students, but there were others, and in response to a speech made by Dictator Khanh, the cry was, "Go north, go north, go north," which meant that the cry was for escalating the war into North Vietnam.

We also know that as a result of that incident, which ended in an incident of some riot proportions, in that the rioters pulled down some memorials which had been erected to the French dead in Saigon, General Khanh and Ambassador Taylor had some diplomatic conversations. Most Senators have read that the latest diplomatic conversation had taken place at a party out in the country, at an estate, which Khanh and the Ambassador had attended. The stories which came out of that meeting were to the effect that they had resolved their differences and that there was a recognition on the part of the general that the United States would not favor an extension and expansion of the war to the north.

On Friday, July 31, the war was escalated to the north. That is not a matter of infiltration. That is not a matter of junks seeking to bring in supplies. That is not a matter of South Vietnamese intelligence people being slipped into North Vietnam or of North Vietnamese intelligence agents being slipped into South Vietnam. This was a well thought out military operation. These islands were bombed.

When these islands were bombed, American destroyers were on patrol in Tonkin Bay, and they were not 60 or 65 miles away. What I am about to say I can say without revealing the source and without violating any secrecy.

It is undeniable that in the patrolling operations of our destroyers in Tonkin Bay the destroyers have patrolled within 11 miles and not more than 3 miles off the coast of North Vietnam. The reason that these are the figures is that there is a conflict between the United States and North Vietnam. North Vietnam claims that her national waters go out to 12 miles. She is not the only country in the world that claims it. The United States takes the position that national waters extend only 3 miles. I believe our position is absolutely right. I believe the weight of international law is in favor of us. I think the so-called exceptions which are often cited in international law cases, which certain proponents seek to use to throw doubt over the whole principle, are exceptions which apply in geographic locations in the world are special in their nature. Some Latin American neighbors claim not only 12 miles, but, in some instances, more than 12 miles, particularly when they think extending the national waters beyond 12 miles may give them great commercial advantages in respect to fishing rights.

I only mention it in passing to show that this fact is a point of international

law which is frequently under considerable dispute and controversy.

I repeat my premise. There is no question about the fact American naval vessels, in their legitimate rights of patrol in Tonkin Bay, patrolled within an area of 3 miles to 11 miles in extent.

They patrolled under 12 miles to demonstrate that we did not recognize any 12-mile limit, and stayed beyond 3 miles to make it clear that we respected and abided by what we thought was the international law right of North Vietnam.

We had the international right to do that. The senior Senator from Oregon has never taken the position that we have no right to patrol in Tonkin Bay in international waters. It ought to be done with discretion. If we wish to argue in one breath that we are against escalating the war, we have a little difficulty in the next breath justifying, in my judgment, the course of action that we followed in respect to South Vietnamese bombing of the two islands 3 to 5 miles off the coast of North Vietnam, and then having American naval vessels, a part of our Navy, so close to the North Vietnamese coast, although in international waters, as they were on Friday, July 31, when the bombing took place.

Oh, Mr. President, the Pentagon and the State Department throw up their hands in aggravation if anyone suggests, as I did in my speech yesterday, that their very presence there is subject to the interpretation that they were a backstop. All the protestations on the part of the State Department and the Pentagon cannot change a physical fact. The presence of those ships in that proximity to the North Vietnamese coast, while an act of war was being committed against North Vietnamese coast by the bombings of those islands, was bound to implicate us. We are implicated.

One can deny, deny, and deny, but the fact that the ships were that close while the bombing took place is bound to be interpreted as a provocation, and also must be considered when we look at the matter of the reaction to it as an extenuating fact.

Mr. President, I do not know exactly the mileage location of the American naval vessels while the bombing took place. I do not know whether it was 4 miles, 11 miles, or 20 miles. But the very fact that these ships were in that general area of Tonkin Bay, where they could have given, if it became necessary, protection, in my judgment implicates the United States.

It is bound to be looked upon by our enemies as an act of provocation; and it makes us a provocateur under the circumstances.

It is difficult to find out exactly what happened in regard to the ultimate attack on the *Maddox* on Sunday. The bombing took place on Friday. But I think I violate no privilege or no secrecy if I say that subsequent to the bombing, and apparently because there was some concern about some intelligence that we are getting, our ships took out to sea; that is, they changed their course, instead of remaining close to the mainland of North Vietnam, as they had a perfect

right under international law to do. But as a result of the concern that was caused by the bombardment by the South Vietnamese—our ships went a considerably greater distance from the shores of North Vietnam. Approximately 60 miles offshore was the point at which the attack by the North Vietnamese PT boats took place.

That was an act of aggression on their part against the United States. There is no question that we were clearly within our rights in replying with force and sinking their ships, if we could. Apparently we did sink one of their ships. That closed that incident.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. MORSE. I shall be glad to yield.

Mr. LAUSCHE. The Senator just made the statement that, on the basis of certain intelligence received by I assume, the commander of the *Maddox*—

Mr. MORSE. I am not going to comment on that. I think I have said all that I have a right to say within the proprieties.

Mr. LAUSCHE. There has been no proof of any kind whatsoever that any intelligence was received, except as to the pursuit by the PT boats of our *Maddox*. So my question is, On what basis does the Senator from Oregon say that we received certain intelligence that our ships were being attacked?

Mr. MORSE. I did not say that. Read the record. Have the record read back.

Mr. LAUSCHE. Will the Senator please state, then, what his understanding—

Mr. MORSE. If it will help the Senator, I will repeat what I said. I had pointed out that after the bombardment of the islands, the American ships, from the point where they were, took out to sea a greater distance.

Then I made the comment that it was my understanding that on the basis of intelligence reports there was some concern about the situation. I did not say what the Senator said I said. I do not think I should say it. I do not believe the Senator from Ohio should say it, either.

Mr. LAUSCHE. I am glad to have the Senator's information.

Mr. MORSE. I do not think the Senator from Ohio should say it either; but on the basis of intelligence reports, a decision was made that our ships should go farther out to sea. That is all I have said.

Mr. LAUSCHE. Does the Senator mean on the basis of knowledge, or on the basis—

Mr. MORSE. It is on the basis of what the Senator from Ohio and I heard in a secret session of the committee. I think I have said all I should say. I merely say that there was a change in our patrol policy, that our patrol boats went farther out to sea and were followed by the PT boats of North Vietnam.

Finally, on Sunday, they were close enough together for the engagement to take place.

Mr. LAUSCHE. So that we may have an understanding, our *Maddox* did go

out to sea; but according to my recollection, that had no relationship to what had happened on the islands. It had a relationship to the pursuit that was being made by the PT boats of our *Maddox*.

Mr. MORSE. I have not said it had a relationship to what had happened in the islands. I am merely saying—the conclusion I am about to make in a moment is—that we had naval craft in the area of Tonkin Bay, where the enemy, in my judgment, had good reason to believe that there was a cause-to-effect relationship between the bombardment and our naval boats, and that our authorities knew of the bombardment. It does not make any difference whether the *Maddox* knew of the bombardment. Our authorities had the right to put the *Maddox* wherever they wanted to put her. The fact is that our authorities knew of the plans for the bombardment. The conclusion I was about to make is that they made a great mistake, in my judgment, in having our ships as close as they were to the mainland of North Vietnam when that bombardment took place, for they assisted the North Vietnamese to draw the conclusion that there was a relationship between the American patrol boats and the boats bombarding the islands. I think that was the only interpretation we could expect the North Vietnamese to make; and it would be exactly the same interpretation the United States would make under reverse circumstances.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield further?

Mr. MORSE. I yield.

Mr. LAUSCHE. The exchange of our words will not solve this problem. However, I am obliged to say that my recollection of what has been testified to is completely inconsistent with what the Senator from Oregon has stated.

Mr. MORSE. The Senator from Ohio is entitled to his interpretation of what we both heard. I am satisfied that my interpretation is unquestionably correct as to what happened to those ships.

The point the Senator from Oregon is making is that if we had knowledge—and we did have knowledge—that there was to be a South Vietnamese bombardment of the islands, we should not have had our ships anywhere in the area. In my judgment, we ought to have had them well beyond the 60 miles where the engagement finally took place. But there is no question that they were much closer to the North Vietnamese coast before that engagement took place. In fact, they were trailed out to 65 miles by the PT boats.

My point is, if we are to talk about provocation, that the United States was a provocator by having any ships anywhere within striking distance or bombing distance; and the South Vietnamese boats did bomb those islands. We should have been completely out of the scene.

If Senators want my opinion, a "snow-job" is being done on us by the Pentagon and the State Department in regard to that bombardment. Not only had we full knowledge of it, but it was being done with our tacit approval. If we did not want to escalate the war into North

Vietnam, that was the time for the United States to stop escalating.

Mr. LAUSCHE. I recognize the absolute sincerity of the Senator from Oregon in the statement he has made. I hope that he will also recognize that I am trying to be sincere.

Mr. MORSE. No one could be more sincere than the Senator from Ohio. We are just poles apart in regard to what our obligations and actions ought to be in South Vietnam. The Senator from Ohio favors the program that we are following, which, in my judgment, is a historic mistake. I oppose it. Two men could not be more sincere.

Mr. LAUSCHE. I should like to state my judgment as to what the evidence shows. Our Government had no knowledge of any nature about the attacks which were made upon the two islands by the North Vietnamese. The *Maddox* was miles—

Mr. MORSE. Do not talk about the *Maddox*; talk about our American officialdom in Saigon, and our American officialdom in the Pentagon and the State Department. I state categorically that they knew the bombardment was going to take place before the ships ever moved up there.

Mr. LAUSCHE. Let me state to the Senator from Oregon that there is not a syllable of such testimony in the record which has been taken in the several days we have been listening to witnesses supporting the declaration made by the Senator from Oregon.

Mr. MORSE. There was complete admission that that was known.

Mr. LAUSCHE. It is the judgment of—

Mr. MORSE. It was written out in cold print.

Mr. LAUSCHE. It is the judgment of the Senator from Oregon based in a measure upon his wish that that happened, because that is in conformity with the position that he has taken. There is no testimony in the—

Mr. MORSE. I shall ignore the—

Mr. LAUSCHE. Of any kind that—

Mr. MORSE. I shall ignore the implications of that snide remark.

Mr. LAUSCHE. That is not a snide remark.

Mr. MORSE. It certainly is a snide remark, but I shall ignore the implications of its and state categorically that high officials of this Government have admitted on the record that they were aware of plans for the bombardment, but that they had nothing to do with it, they said—but they were aware of it.

Mr. LAUSCHE. There is no testimony to that effect whatsoever. That is an inference made by the Senator from Oregon as to the—

Mr. MORSE. Get permission of the State Department or the Pentagon to publicly release the whole of the transcript without a single word deleted, and let the country know what they said.

Mr. LAUSCHE. I should like to discuss this subject a little further, but we shall not reach any conclusion, except I must say that I disagree fully with the statements made by the Senator from Oregon.

Mr. MORSE. I know that the Senator from Ohio has good hearing, but on that occasion I do not believe that he was hearing very well.

I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. I shall be brief.

I shall be unavoidably absent from Washington tomorrow, having been of the view that the vote on this resolution would take place tonight. I have been unable to change my plans.

I state for the RECORD that I strongly support the pending joint resolution. Were I present here, I would vote for it. I dislike to make the statement to the distinguished Senator from Oregon [Mr. MORSE] that my prognosis is that the resolution will pass.

Mr. MORSE. The resolution will pass, and Senators who vote for it will live to regret it.

Mr. President, to pick up where I left off, the point I am making is that I believe that when the United States became aware of the fact that South Vietnamese planned to bomb the two islands, the United States should have moved in and done everything it could to prevent an escalation of the war.

In my judgment, that act constituted a major escalation of this war. The escalation has been speeding up at an increased tempo ever since. I had made the point that there were naval boats in Tonkin Bay in much closer proximity to the two islands, 3 to 5 miles from Vietnam, than the 60- to 65-mile location which the *Maddox* had reached on Sunday when the attack took place, the bombardment taking place on Friday.

Mr. President, I wish to make it clear that it is quite irrelevant and immaterial whether the captain of the *Maddox* knew anything about the bombardment of the island. He was not conducting a war. He was under orders. I am taking the criticism that, in my judgment, American armed vessels should not have been as close to the islands as they were on Friday, July 31. In my judgment, that gave cause for the North Vietnamese to assume that there was a cause-and-effect relationship between the bombardment by the South Vietnamese vessels and the presence of the American naval patrol boats in Tonkin Bay at the location where they then were.

I repeat that I believe we not only had every right, but we had the clear obligation to protect our men aboard, to protect the vessels, and proceed with the military action by way of the response that our vessels gave to the PT boats of the North Vietnamese who were attempting to torpedo them.

On Tuesday, the next incident occurred. I agree with those who have expressed perplexity as to why the North Vietnamese on Tuesday night in a storm, after 9 o'clock, apparently at night, attempted another armed attack on our vessels.

It certainly was within our right, and I believe our clear duty in order to protect the men aboard and the vessels, to respond with military action designed to sink the attacking vessels.

Mr. President, that action on both Sunday and Saturday night was completely within the realm of international law. We were completely engaged in acts of self-defense. We had every right to respond with force.

I now come to the delicate question. I come to the one, Mr. President—and I make the statement respectfully—about which many people wave the flag into tatters. That is the subsequent action, when our ships were not under fire, in which the United States escalated the war to the mainland of North Vietnam, and the United States selected for itself targets on the mainland of North Vietnam to bomb. We know that that was substantial bombing. We know that that involved the bombing of the areas where their naval vessels were harbored, and that it involved the bombing of ammunition dumps and oil locations.

I do not care how one tries to spell it. I do not care with how much political fervor by way of semantics we attempt to describe it. The fact is that the United States was not protecting any ships at that time.

Mr. President, we either believe in settling international disputes by resort to the procedures of international law or by resort to war. We cannot cut this one both ways. After the second attack in defense of our ships in which we engaged, unless we expect to be charged with engaging in acts of aggression, we should have immediately laid our case under the United Nations Charter before the Security Council of the United Nations. In my judgment, we were dead wrong in proceeding to bomb the establishments on the mainland of North Vietnam and then out of the corners of our mouths saying, "Well, we are not seeking to expand the war. We do not want to widen the war. We are just going to defend ourselves."

Mr. President, bombing those sites was not necessary for self-defense at that point. At that point the United States was guilty of an act of aggression. The United States could no longer after that say that the war was being escalated only by South Vietnam, for the United States then escalated the war into North Vietnam. It is my judgment that it violated its obligations under the United Nations Charter, for there is nothing in the United Nations Charter that justifies such an act of aggression under those circumstances.

What a much stronger position we would be in in keeping with our oft-repeated professing that we believe in the substitution of the rule of law for the jungle war of military might as a means of settling disputes between nations.

Mr. President, we should have resorted to the United Nations then.

Oh, say some in their patriotic speeches, that would have been putting our tail between our legs and running.

What nonsense. I should like to use an argument by analogy in the field of domestic law. We lawyers know that there are few controversies between people that can be more heated than a dispute over a boundary line between prop-

erty owners. The lawbooks are full of remarkable accounts of what human frailties cause people to do sometimes over a dispute involving boundary lines. So let us take my farmers A and B. They have one rough argument over a boundary line. The disputes took place for some time. Finally one day A and B met in the area of the disputed boundary. A pulled a gun on B, shot at him, and missed him. B, exercising his right to defense, knocks him down, takes the gun away from him and beats him up, and B goes back home. On his way back home he says, "I have more guns."

Now, A was in the right and B was in the wrong. B was the aggressor; A was the aggressed upon, and he had a just cause for assault or a more serious crime—assault with intent to kill. Instead of taking his charge to the courts, going down and getting the sheriff to take jurisdiction and proceeding to take the course of judicial process, suppose A decided he would invade B's home and destroy the guns that he might have in his home. We know what would happen under domestic law to Mr. B under those circumstances. In the second case he would now be the aggressor.

I use the analogy, but I do not apply it beyond the point that I now make, and that is that after the second attack, there is no question that we had North Vietnam dead to rights in any charge we might bring before the United Nations. And that is where we should have gone. Let us face the foreign policy that we decided to follow. That is what I meant yesterday when I pointed out that apparently the line of American foreign policy in southeast Asia is the line that we shall demonstrate to them that we shall use force, and that there will be more force to come if they do not desist from violations of their international obligations. When I say "they," I mean North Vietnam, Red China, the Pathet Lao, and others on that side of this war.

That is the policy that the United States apparently has been trying to get away with. It is a policy that asserts that if we merely use enough force, and make clear by way of enough threats that it will be pretty bad and hard on them if they do not fold and yield to our threats—if we follow that course of action, we shall avert the danger of war. Under that policy we greatly increase the risk of a full-scale war in Asia. But whether we did or not, that policy cannot be justified as a matter of principle, because that policy cannot be reconciled with our obligations under the United Nations Charter. In my judgment, we ought to abide by our treaty obligations.

Although I know the point I have just made is highly unpopular with those who think we ought to do just as we please under the circumstances and then, after we dominate the battlefield, go to the United Nations, and that that is the policy of my Government. It is dead wrong. It is wrong in principle. It is wrong in morality. It is wrong also because it cannot be reconciled with our professing that we do not believe in the use of military might as the weapon to be used to settle disputes that threaten

the peace of the world. To the contrary, we claim a belief in a resort to the rules of reason as they are embodied in treaties we have signed, such as the United Nations Charter.

So I say we are a provocateur. My colleagues become excited and seem to think I am guilty of some heinous accusation without any substantiation in fact. We would have been in a stronger position before the eyes of the world to-night if, after we had responded, as we had a right to respond Tuesday night, to the attack on our ships, we had on Wednesday laid that issue before the United Nations and asked the United Nations to proceed to take action encompassed under the jurisdiction of the United Nations. Oh, no. We had to proceed to bomb the mainland of North Vietnam on the basis that we had the right to do it in self defense because they had attacked our ships on the high seas.

We have a right to do it if we want to make war, but then we should not deny that we have a policy of war when we say we are seeking peace. It is hypocrisy to say out of one side of one's mouth, "We only want peace," but to say from the other side of the mouth, "But we are justified in committing acts of war."

Issues of international litigation are involved in this case. There would not be a system of justice on the domestic front if we allowed people to shoot each other up while a trial was being conducted to determine whether the shooting of A by B was justified.

Mr. President, other arguments were made today. Several Senators think they help their case by voting for the joint resolution if they make statements in the Record such as were made today, to the effect "We want it understood that, although we are going to vote for this resolution, it is very important that we make clear to our allies that they come in under the SEATO Treaty and be of help to us."

They asked questions as to whether or not the resolution gives assurance of it. There is not a word of it in the resolution. There is not a word in the resolution that involves any commitment by anybody that there is going to be any help under the SEATO Treaty. All we say is that, because of the SEATO Treaty, we are going to do certain things.

It was said by one of my good colleagues that Great Britain was involved elsewhere, and that Pakistan and India are involved elsewhere. With hundreds of millions of dollars of American military aid under the foreign aid of past years, they are maneuvering themselves into a position where they can conduct a war against each other—with American equipment—if somebody pulls the trigger and a battle starts over Kashmir.

As I have been heard to say on the floor in recent weeks, even the foreign minister of Pakistan stood up in the Press Club in Washington, D.C., and publicly stated that they had no intention of helping us in South Vietnam. As the CONGRESSIONAL RECORD will show, I made the statement that we should make it clear that we are cutting off military assistance. That would be a good thing, anyway, from the standpoint of maintaining



peace between India and Pakistan, because they could not carry on a war very long if the United States did not continue to pour millions of dollars of the American taxpayers' money into those countries by way of foreign aid.

We were told that Australia is stepping up its assistance and that she is going to increase the number of men she has sent there. He forgot to say that the offer of Australia was to increase the manpower contribution to the war in Vietnam from 30 to 60. Mr. President, do not think you misunderstood me. That is the figure—from 30 to 60 men.

As I said to the Secretary of State when he made the announcement some weeks ago, he insulted my intelligence and the intelligence of the American people.

There was one other condition in that great offer on the part of Australia to expand its contribution and help in South Vietnam. Perhaps, in 4 months, they may be able to have six cargo planes available.

Of course, if there is one thing we can get along without, it is cargo planes. We have our own surplus of them.

Mr. President, when we run down the list of allies, we find none of them offering to send boys to do any of the dying in South Vietnam. The dying will have to be done by American boys and South Vietnamese boys.

If any Senator thinks he is a face saver, in connection with a vote from this joint resolution, on the basis that the resolution is going to help increase the cooperation of our allies under SEATO in the conduct of the operations in South Vietnam, I say there is not a word in the resolution that would justify any such hope or implication.

Another Senator thought, in the early part of the debate, that this course would not broaden the power of the President to engage in a land war if he decided that he wanted to apply the resolution in that way.

That Senator was taking great consolation in the then held belief that, if he voted for the resolution, it would give no authority to the President to send many troops into Asia. I am sure he was quite disappointed to finally learn, because it took a little time to get the matter cleared, that the resolution places no restriction on the President in that respect. If he is still in doubt, let him read the language on page 2, lines 3 to 6, and page 2, lines 11 to 17. The first reads:

The Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

It does not say he is limited in regard to the sending of ground forces. It does not limit that authority. That is why I have called it a predated declaration of war, in clear violation of article I, section 8 of the Constitution, which vests the power to declare war in the Congress, and not in the President.

What is proposed is to authorize the President of the United States, without a declaration of war, to commit acts of war.

It is not a new position for the senior Senator from Oregon. I opposed the Formosa resolution in 1955. I opposed the Middle East resolution in 1957. I will say something about those resolutions in a moment.

Let us go to section 2 of the pending joint resolution. Line 9 reads:

Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia collective defense treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force—

It does not say "excluding the use of the Army." It does not say "including the use only of the Navy." It does not say "including the use of the Air Force." It says, "including the use of armed force." That is all branches of the military establishment, and nuclear as well as conventional weapons.

to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Mr. President, it is as broad as the Military Establishment. A Senator cannot get any consolation out of that by hoping that, if he votes for it, the President cannot send out large numbers of ground forces.

U.S. FORCES TO BE COVERED INCLUDE THOSE IN SOUTH VIETNAM

I was very much interested in the comments of several Senators in the debate this afternoon in regard to the SEATO Treaty. I say most respectfully that the SEATO Treaty will not help any Senator, either. The resolution supports "all necessary measures to repel any armed attack against the forces of the United States."

We have forces of the United States in South Vietnam. I should like to ask the proponents of the joint resolution, before the debate is over, to tell us whether the language "all necessary measures to repel any armed attack against the forces of the United States" includes our Armed Forces in South Vietnam, which now include troops, vehicles, tanks, and aircraft. Apparently we are pouring more in. There is no question that we have more than 20,000 troops there tonight. Does this language mean an authorization to become full combatants in the civil war if there is an attack on any segment of our forces in South Vietnam?

Let us face the issue. I do not believe there is any doubt that we are being engaged, in an increasing tempo, in escalating this war into North Vietnam. I am not sure that we shall be able to stop there. We may take it into Red China before we are through. I am also satisfied that we shall become combatants along with the South Vietnamese in the civil war. That is exactly what they would like.

They have done a very poor job settling their own civil war.

Here is a country, as I stated in my speech last night, of 15 million population. Here is a country, with its armed forces of 400,000 to 450,000 men, engaged in a civil war with a group of Vietcongs—

South Vietnamese, too—of not more than 35,000. The testimony before our committee is that it is probably in the neighborhood of 25,000. Fifteen million people, with an armed force of 400,000 to 450,000 soldiers, cannot bring under subjugation a dissident group of 25,000 or 35,000 people, in spite of the fact that the American taxpayer has poured \$3½ billion into South Vietnam. Whom do they think they are fooling? They will not fool the American people indefinitely.

The French Government tried that. For 8 long bloody years they did a pretty good job of fooling the French people. But after 240,000 casualties, including 90,000 killed, and thousands upon thousands badly wounded, the French people pulled down the government. They said, "We have had enough. We are not going to sacrifice any more French manhood."

Unpopular as it is, I am perfectly willing to make the statement for history that if we follow a course of action that bogs down thousands of American boys in Asia, the administration responsible for it will be rejected and repudiated by the American people. It should be.

Mr. President, this problem in Asia cannot be settled by war. The problem in Asia requires a political and economic settlement. It requires a negotiated settlement. It requires a conference table settlement. It requires the application of reason, not bullets.

I cannot understand what is happening to my country. I cannot understand what makes people think that way. There are not many at the grassroots of America who think that way. People in positions in Government think that we can entrench ourselves as a military power in Asia and bring about a peaceful solution of the problem. The result will be that the yellow race will hate us more than it hates us already. If the yellow race has not made clear to the white man that Asia is not his fort, I do not know what the white man has to learn by way of an additional lesson.

The place to settle this controversy is not by way of the proposed predated declaration of war, giving to the President the power to make war without a declaration of war. The place to settle it is around the conference tables, the only hope mankind has for peace; namely, the United Nations.

With all its shortcomings, if we destroy it—and we would destroy it with a war—not much hope will be left.

NO LIMITS ON WORDS "FURTHER AGGRESSION"

Before the debate is over tomorrow I should like to have the proponents of the resolution comment on the fact that the resolution continues with the words "and to prevent further aggression."

I should like to have the proponents spell that out. Further aggression against whom? Further aggression by whom?

I should like to have them spell out the provisions of the SEATO Treaty and the United Nations Charter with which our actions are consonant. If we are engaged in helping South Vietnam repel an armed attack, we are obliged under the SEATO Treaty and under article 51

of the U.N. Charter to report it to the Security Council. We have not done that through all the years.

Some of my colleagues in the Senate object to my calling the United States a provocateur. Our constant, repetitious violation of our treaty obligations under the U.N. Charter, which I set out by documentation yesterday in my speech on the floor of the Senate, is clear provocation. We have said to our potential enemies, "We are going to do what we want to do, and you can like it or not." Not so many weeks ago Adlai Stevenson lent his lips in the Security Council to say, in effect—in my judgment to his historic discredit, and it would have been better if he had resigned as Ambassador—as the representative of the United States at the United Nations that the United States was going to do what it wanted to do in Asia, and they could like it or not.

That is not the world statesman for whom I campaigned in 1952. No, Mr. President; we are a provocateur nation. We have provoked trouble because we have not even kept our commitments, either under SEATO or article 51 of the United Nations Charter, by carrying out the requirement of the reports that we are pledged to make, and by placing the issue before the U.N.

Yet we are saying to the world, "All we want is peace." Our Secretary of State says that we will have peace if the countries of North and South Vietnam will do exactly what we want them to do. In essence, that is what the position of the Secretary of State adds up to. There would not be lawsuits, either, if one of the parties would do what the other wanted him to do. That is what the controversy is all about.

#### FIRST OBLIGATION IS TO FOLLOW U.N. CHARTER

I do not agree with the North Vietnamese. I do not agree with the Vietcong. But we must face up to the fact that they, too, have their international rights; and the place to settle the controversy over international rights and obligations in this modern day is not on a battlefield, but around the conference table, where the procedures or authorities that set forth the rules of international adjudication will prevail.

The great Senator from Alaska [Mr. GRUENING] in his speech this afternoon, cited that important article of the United Nations Charter that places upon every signatory thereto the obligation, first—that is spelled "f-i-r-s-t"—to seek to resolve disputes by way of adjudication or mediation or arbitration or conciliation or negotiation. In that great speech, the Senator from Alaska cited the disputes, and then, in one rhetorical question after another, asked: Have we taken it to arbitration? Have we taken it to conciliation? Have we taken it to mediation? Have we taken it to nego-

tiation? Have we taken it to conference? The answer is that the United States has a grade of zero on that examination. We have flunked the course.

To Senators who object to my suggesting that the United States is a provocateur nation, I say we have a dismal record—so dismal that it spells out the word "provocateur." I listened to a couple of my colleagues on television last night. They had heard the senior Senator from Oregon charge that we are a provocateur nation. So I was all ears. I thought I was going to hear the case that we are not. But there was no case.

It is so easy to say that these things should not be said; that they create disunity and misunderstanding. So long as there is any hope to win a peace and stop a war, the senior Senator from Oregon will state the facts as he honestly believes them to be. When those facts involve misdoings of my own country, it is all the more important that they be stated.

Mr. President, we have a great historic opportunity to strengthen the cause of the rule of law in the world. But we cannot strengthen it and make war at the same time.

The Senator from Alaska [Mr. GRUENING] said again today, as he said a few weeks ago, that what is needed is an agreement to enter into a cease-fire order. Why have we not proposed it? That is the kind of speech Adlai Stevenson should be making at the United Nations. I am greatly disappointed that the other signatories to the United Nations Charter have not been proposing it.

Are we so powerful that they dare not bring up a case to which we are party without our consent? I am exceedingly disappointed that North Vietnam, South Vietnam, the Pathet Lao, the United States, and Red China have not had the rules applied to them in connection with the war in southeast Asia, because that war cannot be reconciled with the United Nations Charter and the obligations in respect thereto by the signatories thereof.

But, say Senators, Red China is not a member of the United Nations. Red China does not have to be a member of the United Nations for the signatories thereto to take jurisdiction over a threat to the peace of the world. Where do Senators get the idea that the United Nations does not go into action unless all the countries involved in a threat to the peace of the world are members of the United Nations? Senators should re-read the Charter of the United Nations. I have read it for the benefit of the Senate. It has occurred time and time again during the last 5 months.

I say with great sadness in my heart that many of the signatories to the United Charter have failed mankind by not having brought before the United Nations this threat to the peace of the world in Asia, in all of its aspects.

Some Senators said to me today, "What is the matter with you, WAYNE? Don't you know that we now have this situation in Tonkin Bay before the Security Council?"

Certainly. We had another one before the Security Council a while back, when the little prince in Cambodia kicked us out of Cambodia, and said, "We have had enough of you. Get out. We don't want any more of your aid." Then he filed charges against us for violating his borders, after we had been caught redhanded and had a helicopter shot down after it had dropped a fire bomb and burned a village, killing 16 civilians. Unfortunately, the American boy who was flying that helicopter was sacrificed. We quickly apologized. But, as I have said, does anyone think that that apology would have been forthcoming if we had not been caught? We would not have heard about the incident. I am satisfied that that was not the only violation of Cambodia's borders by both South Vietnam and the United States. We heard about this one only because we got caught.

What about all the threats and actions and incidents that preceded that in the Gulf of Tonkin? Why have they never been submitted to the Security Council?

Here we are about to authorize the President of the United States to do whatever he wishes and use any armed force he likes, not in the Gulf of Tonkin, but anywhere in southeast Asia. But there is no "southeast Asia" question before the U.N.

Why not? If there is not a breach of the peace and a threat to international peace and security there, I do not know what is.

All of South Vietnam for the last 3 years has been a threat to the peace. Why is not that situation placed before the U.N.?

We do not get much consolation out of our sorry record of not having reported our courses of action under article 51 of the United Nations Charter. I hope some Senators tomorrow will have something to say about that. I have a long list of interesting fallacious arguments and exhibitions of wishful thinking that were expressed in the debate this afternoon; but I shall reserve them for tomorrow.

Mr. President (Mr. HART in the chair), I close by commenting only on previous resolutions passed in the Senate: Formosa, the Middle East, and Vietnam.

I ask unanimous consent to have printed in the Record in parallel column form, as shown in the paper which I hold in my hand, a comparison of those resolutions.

There being no objection, the statement was ordered to be printed in the Record, as follows:

#### VIETNAM

Whereas naval units of the Communist regime in Vietnam, in violation of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace;

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom;

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area but desires only that they should be left in peace to work out their own destinies in their own way; now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.*

#### CUBA

Whereas President James Monroe, announcing the Monroe Doctrine, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any state against an American state shall be considered as an attack against all the American states, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from contracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union; and

Whereas the International Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—*

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

#### FORMOSA

Whereas the primary purpose of the United States, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores;

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.*

#### MIDDLE EAST

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.*

VIETNAM—continued

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any protocol or member state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress, except that it may be terminated earlier by a concurrent resolution of the two Houses.

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(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

MIDDLE EAST—continued

Sec. 2. The President is authorized to undertake in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace and preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.



Mr. MORSE. Mr. President, in connection with these resolutions, several Senators stated this afternoon, that the United States was not asking for any more in the resolution now before the Senate than has already been asked for in the past, as though that were a sound argument. What has that to do with whether or not we pass the pending joint resolution? If we made mistakes in the past—as we have done, in my judgment—we should not make another one now.

I did not make those mistakes. With that great liberal, the former Senator from New York, Herbert Lehman, who in my 20 years of service in the Senate has had no peer, I joined in 1955 in opposition to the Formosa resolution. At that time, I pointed out, as I have done in the course of this debate, that it, too, was a preventive war resolution. By a preventive war resolution at that time, we meant that it was a resolution that, first, sought to give the Secretary of State and the Chairman of the Joint Chiefs of Staff the authority to make a strike against the mainland of China before an act of aggression had been committed by China against the United States.

As a result of the argument in committee over that statement, Mr. President, the Senate will remember that we received the famous Eisenhower White House statement, in the course of that debate, to the effect that the President, and he alone, would make the decision as to what course of action would be followed under the resolution.

I stated that that was not good enough for me. I do not intend to give to any President the power to make war by way of a predated declaration of war. I argued then, as I have argued in this historic debate, that the power to make war is vested in the Congress and not in the President. I voted against it.

With reference to the Formosa resolution there was a reference to the President, and I quote from it:

That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

The same principle is embodied in the pending joint resolution.

The Middle East resolution was another predated or undated declaration of war resolution, giving to President Eisenhower predated declaration of war power in the Middle East. That will be found in the Middle East resolution:

Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end if the President determines the necessity thereof, the United States is prepared to use Armed Forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism.

Clear authorization of what I stated at the time, and repeat tonight, was an unconstitutional power to be vested in the President of the United States.

CUBAN RESOLUTION DELEGATED NO POWER TO PRESIDENT

Now we come to the Cuban resolution. The interesting thing is that the Cuban resolution was not a resolution designed to vest any power in the President. That fact has been lost sight of in debate this afternoon. Senators have stated that we did this in the Cuban resolution. The answer is that we did not.

I voted for the Cuban resolution. I voted for the Cuban resolution, because that constitutional power of Congress was not delegated to the President in that resolution.

In a statement I wrote to my constituents on October 2, 1962, discussing my vote on that Cuban resolution, I stated:

On September 21, I joined 85 other Senators in voting for the following resolution on our relations with Cuba: "The United States is determined (a) by whatever means necessary, including the use of arms, to prevent the Marxist-Leninist regime in Cuba from extending, by force or threat of force, its aggressive or subversive activities to any part of this hemisphere; (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and (c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

Earlier, I had joined in signing a unanimous joint report from the Foreign Relations and Armed Services Committees, recommending adoption of this resolution. The report was made following hearings at which we heard from Secretary of State Rusk and William P. Bundy, Director of the Office of International Security Affairs of the Defense Department.

They described in some detail, in closed session, the nature and technique of the sea and air surveillance we maintain over Cuba, and over activities on this narrow island. It was from this observation that they were able to say that the military activities in Cuba are still of a defensive nature and not now an offensive threat to the United States.

The resolution, unlike the Formosa and Middle East resolutions, is not a delegation of warring power to the President. It is a statement of U.S. foreign policy. It is one I heartily endorse, and one which should be read carefully and with sober consideration in both Havana and Moscow.

Mr. President, I close by reading the full language of the Cuban resolution. I have just made a distinction between the Cuban resolution, the Formosa and the Middle East resolutions—and now the southeast Asia resolution, which is as different as night from day.

The Cuban resolution provided:

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise

of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—*

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Mr. President, there is not one word authorizing any power to be vested in the President of the United States.

Senators have forgotten the record made when we debated, in connection with the Cuban resolution, what is proposed under the southeast Asian resolution. That question was debated on the floor of the Senate.

I say with sadness, in view of the situation in the Senate tonight, that when the Cuban resolution was being considered, a substantial number of Senators served clear notice that they would not vote for it if it sought to authorize any power in the President of the United States.

Out of deep affection and great love for President Kennedy, I say that President Kennedy did not ask to have any authority authorized in that resolution as far as the Presidency was concerned. I have no quarrel with that statement of foreign policy. I would have no quarrel with that statement of foreign policy applied to southeast Asia.

Under that statement of policy, doors are left open and the obligations remain clear, to resort to the peaceful procedures set forth in the United Nations treaty, and set forth in our other treaty obligations.

I close, Mr. President, by saying, sad as I find it to be to have to say it, that in my judgment there is no course of action that I could possibly follow in keeping with my conscience and my convictions in regard to my constitutional obligation under the oath that I took four times when I came into this body, but to vote against the joint resolution tomorrow. In my judgment, this resolution, no matter what semantics are used, spells out the ugly words: "Undated declaration of war power to be vested in the President of the United States."

Congress has no constitutional power to grant such authority to the President of the United States. The only difficulty is that under our constitutional system, I know of no way that we can get it before the Supreme Court for a constitutional determination.

Mr. President, I yield the floor.

#### MAIL ORDER TRAFFIC IN FIREARMS

Mr. DODD. Mr. President, I believe this subject is important to both the Senators from Oregon and Ohio, and I am sure that they will think so. I know they do, because they have spoken to me about it.

Mr. President, this morning's New York Times contains a very extensive article pointing out that 1 million mail-order guns are sold each year in the United States. These weapons are sold sight unseen, without the knowledge of local police authorities, to people who may be criminals, mentally deranged persons, juveniles, or racial extremists.

The number of weapons in private hands, according to the National Rifle Association, has reached 1 billion rifles, pistols, and shotguns, and several billion rounds of ammunition.

Twenty-five thousand self-styled minutemen have armed themselves and formed into quasi-military units, presumably to defend against a Communist takeover which they expect to come about by 1973.

Crime was up 10 percent last year. Since 1958 the crime rate has grown five times as fast as the population. To a considerable extent, the burgeoning crime explosion can be attributed to the easy availability of murderous weapons, and the easiest, most secret manner of obtaining these weapons is through the mails.

Eight thousand five hundred murders were committed in the United States last year, one for every hour of the day. More than half of these murders were committed with guns and, since half of the guns sold annually are mail-order weapons, we may safely assume that a large percentage of these murders were committed with weapons obtained anonymously through the mails.

The control of crime and of the use of dangerous weapons are matters, which, under our system of government, must fall most heavily upon local and State authorities. Yet, there is a considerable Federal responsibility in this area.

For years I have been trying to secure a restrained but workable law to control interstate sales of dangerous weapons through the mails. This law would simply require that purchasers of mail-order weapons must correctly identify themselves as to proper name, age, residence and the absence of a criminal record, and that local police authorities must be informed of the identity of mail-order weapons purchasers in their jurisdictions.

For many long months those who favor this proposed legislation have worked

to gain its acceptance by the responsible elements in the arms industry—arms manufacturers, arms dealers, law enforcement people, and sportsmen's groups, such as the National Rifle Association. In this we were successful.

Then we launched a vigorous effort to gain public acceptance of this proposed legislation. I have thousands of letters and hundreds of newspaper editorials, many of which I have inserted in the Record from time to time, attesting to the success of this effort.

For additional long months, we struggled to get a favorable report for this proposed legislation from the Juvenile Delinquency Subcommittee, and from the parent Judiciary Committee. In this we were successful.

And there was a long effort to win support and clearance by the various departments of the executive branch. In this we were also successful.

All of these years of effort seem now about to go down the drain despite the crime explosion, despite the assassination of President Kennedy with a mail-order weapon, despite the large shipments of these weapons into areas of racial unrest, despite the fantastic growth of private arsenals, and the forming of armed vigilante groups all across the Nation.

The effort is going down the drain because, with the Congress close to adjournment, it is still awaiting action in the Senate Commerce Committee. A number of hearings have been held on this bill by the Commerce Committee, and I have testified at two of them.

I know personally that a number of committee members favor the bill. Yet, despite the fact that every procedural requirement has been met, that every preliminary legislative hurdle has been overcome, we cannot get action on the key step, the voting on this bill, either up or down, by the full committee.

What seems to be influencing some members of the committee to withhold action on this bill are the protests of people who are either misinformed or bamboozled.

Mr. LAUSCHE. Mr. President, will the Senator from Connecticut yield at that point?

Mr. DODD. I am glad to yield.

Mr. LAUSCHE. I do not wish my silence in the Chamber while this statement is being made to be construed that I am one who is trying to stop the Senator's proposal. I am a member of the Commerce Committee. I believe implicitly in the soundness of what the Senator is trying to do. At the last meeting of the executive committee, I urged that the Senator's bill be sent to the floor for either approval or disapproval.

Mr. DODD. I am very happy that the great Senator from Ohio has made that statement, because I should have made it. He has been one of the great, strong arms that I have had associated with me in this effort. I am happy that he reminds me of his support. I have also been supported by many other Senators.

Mr. President, in most cases the misinformed protesters against this bill have been misled by those who have financial interests in gunrunning, and by those who have suspect motives which are cloaked under the false cover of anti-communism, or patriotism, or constitutional liberties.

I am convinced that this opposition does not come from responsible sportsmen's groups.

I know this because we worked with the leadership of the National Rifle Association in devising this legislation, and this leadership has testified in behalf of the bill.

The protests have come from the crackpot element, the vigilante groups, and those who have been misinformed about the bill and have not taken the trouble to read it.

No responsible weapons purchaser would be interfered with by this bill any more than he would be if he went down to the local gun store in most of the communities in this country.

I have done all that I can.

I have appealed again and again to the membership of the Commerce Committee, both to the committee as a whole and to the individual members. I know it is not the intention of this committee to delay action on this bill. Many of the members of the committee, including the chairman, the Senator from Washington [Mr. MAGNUSON], and the Senator from Nevada [Mr. CANNON] have gone out of their way to be courteous and considerate in dealing with my request for action on this bill. I know, that like all of our committees, the Commerce Committee is beset with a variety of problems, and that there is not enough time to deal with all of them. I am merely doing my best to see that this vital legislation gets as much of the time of the Commerce Committee as it is possible for the committee to grant. Time is running out and my only recourse is to make this one last appeal.

During this very hour in which I speak, someone, somewhere in this country is being murdered, and every hour of the day there will be another murder. Several of the murders committed today will be committed with mail-order weapons placed in the hands of unstable people, who obtained them in secrecy without the knowledge of local authorities, and, in most cases, in violation of local and State law.

All I ask is that we in the Senate carry out our responsibility for the Federal aspect of this problem by requiring that the full identity of mail-order purchasers of dangerous weapons be known, and that those who are obviously unfit to possess weapons because of age or previous criminal record, or local law, be prohibited from doing so.

I urge my colleagues to help me in getting Senate action on this bill.

Mr. President, I ask unanimous consent to have printed in the Record this morning's article published in the New York Times entitled "Minutemen Help Spur the Growth of Gun Clubs."